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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 09 November 2011.

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

This is in response to applicant's amendment filed on November 9, 2011 for

Application # 10/772182 filed on February 3, 2004 in which claims 1-16 are pending.

Status of Claims

Claims 1-16 are pending, of which Claims 1-16 are rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Huffman et al. US Patent Application No. 2005/0086397 in view of Feldman et al. US

Patent Application Publication No. 2003/0115147 and further in view of Fiacconi et al.

US Patent No. 4,862,354.

Regarding Claim 1, Huffman et al. discloses:

A method for providing a media change notification [see (Huffman et al.

Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Figure 2)] *on a computing system*

comprising: polling a media device of a computing system for a media change wherein

said polling of said media device by said computing system; [see (Huffman et al.

Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph

28 Lines 6-7) where Huffman et al. teaches the polling of a media device for a media

change on a computer system]

detecting a media change on said media device; [see (Huffman et al. Paragraph

17 Lines 1-4) where Huffman et al. teaches the detection of a change of the media]

generating a media change notification when said media change is detected;

[see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2) where Huffman et

al. teaches the creation and transmission of a message indicating that a media change

has occurred]

and outputting said media change notification when said media change on said

media device is detected wherein said media change notification by said computing

system. [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4;

Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches

outputting or transmission of a message indicating that a media change has occurred

on a computing system]

Huffman et al. does not appear to explicitly disclose:

said media change notification distinct from and operating in parallel with an

autorun protocol component of said computing system;

polling for or receiving a message from a device that *cannot be blocked* or

cannot be obstructed by the computer system

However, Feldman et al. discloses:

said media change notification distinct from and operating in parallel with an

autorun protocol component of said computing system; [see (Feldman et al. Paragraph

433 Lines 1-35; Figure 23A) where Feldman et al. teaches a computing system with a

media change or auto-Insert notification which is separate and distinct from and

operates in parallel or in conjunction with an autorun handler protocol component]

Huffman et al. and Feldman et al. are analogous art because they are from the

"same field of endeavor" and are from the same "problem-solving area,". Namely, they

are both from the field of "information security".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Huffman et al. and the teachings of Feldman et al.

by providing a computing system with a media change or auto-Insert notification which

is separate and distinct from and operates in parallel or in conjunction with an autorun

handler protocol component.

The motivation for doing so would be to increase the usability and flexibility of

Huffman et al. by providing a computing system with a media change or auto-Insert

notification which is separate and distinct from and operates in parallel or in conjunction

with an autorun handler protocol component as taught by Feldman et al. in the teaching

described by Huffman et al. so as to provide the functionally of media change

notifications independently and at the same time as media autorun capabilities to further

improve a user's viewing experience as content is selected and played for a user]

The combination of Huffman et al. and Feldman et al. does not appear to

explicitly disclose:

polling for or receiving a message from a device that *cannot be blocked* or

cannot be obstructed by the computer system

However, Fiacconi et al. discloses:

polling for or receiving a message from a device that *cannot be blocked* or

cannot be obstructed by the computer system [see (Fiacconi et al. Abstract Lines 1-17;

Column 6 Lines 41-50) where Fiacconi et al. teaches a computer system that polls for or

receives messages from a device in which the polling or receipt of messages cannot be blocked or obstructed by the computer system by the locking of the polling or message receipt operations and the prevention of the execution of other operations during the time of the locked polling or message receipt operations]

Huffman et al., Feldman et al., and Fiacconi et al. are analogous art because they are from the *"same field of endeavor" and are from the same "problem-solving area,".* Namely, they are all from the field of "information security".

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Huffman et al. and Feldman et al. and the teachings of Fiacconi et al. by providing a computer system that polls for or receives messages from a device in which the polling or receipt of messages cannot be blocked or obstructed by the computer system by the locking of the polling or message receipt operations and the prevention of the execution of other operations during the time of the locked polling or message receipt operations as taught by Fiacconi et al. in the teaching described by Huffman et al. and Feldman et al.

The motivation for doing so would be to increase the usability and flexibility of Huffman et al. and Feldman et al. by providing a computer system that polls for or receives messages from a device in which the polling or receipt of messages cannot be blocked or obstructed by the computer system by the locking of the polling or message receipt operations and the prevention of the execution of other operations during the time of the locked polling or message receipt operations as taught by Fiacconi et al. in

the teaching described by Huffman et al. and Feldman et al. so as to provide the
additional capability of initiating polling or message receipt operations between a
computer system and a device that cannot be interrupted, blocked, or obstructed by the
computer system thereby increasing the reliability and consistency of the polling or
message receipt operations.

Regarding Claim 2, most of the limitations of this claim have been noted in the
rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition,
the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The method as recited in claim 1 wherein said media change notification is
performed by a kernel level component [see (Huffman et al. Paragraph 15 Lines 10-11;
Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where
Huffman et al. teaches that the media change notification polling and response utilizes
Direct Memory Access on the host bus with interrupt notification which requires the use
of a kernel level component of the Operating System]

Regarding Claim 3, most of the limitations of this claim have been noted in the
rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition,
the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The method as recited in claim 1 wherein said media change notification is
performed by a user level component. [see (Huffman et al. Paragraph 27 Lines 1-11)
where Huffman et al. teaches that the media change notification utilizes interaction with

the user and as a result requires the use of a user level component of the Operating

System]

Regarding Claim 4, most of the limitations of this claim have been noted in the

rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The method as recited in claim 1 wherein said media change notification is

performed by modifying a media-polling component of an operating system [see

(Huffman et al. Paragraph 35 Lines 8-17) where Huffman et al. teaches that the media-

polling component of the Operating System needs modification in order to support

asynchronous media change notification]

Regarding Claim 5, most of the limitations of this claim have been noted in the

rejection of Claim 4. Applicant is directed to the rejection of claim 4 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The method as recited in claim 4 wherein said modifying of said media polling

component in said operating system comprises: utilizing said media polling component

to poll each said media device coupled with said computing system for content

regardless of any input to said media polling component by said computing system. [see

(Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 28 Lines

6-7; Paragraph 35 Lines 8-17; Paragraph 39 Lines 1-8) where Huffman et al. teaches

the modified media polling component of the operating system polls each or multiple

media devices in the computing system and receives notification via an interrupt

regardless of inputs to the media polling component]

Regarding Claim 6, most of the limitations of this claim have been noted in the

rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The method as recited in claim 1 wherein said media change notification is

performed by a second component operating parallel to a first component in an

operating system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where

Huffman et al. teaches a first component of a synchronous poll and a second

component of a asynchronous poll or message operating in parallel to provide the

media change or status notification]

Regarding Claim 7, most of the limitations of this claim have been noted in the

rejection of Claim 6. Applicant is directed to the rejection of claim 6 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The method as recited in claim 6 wherein said first component in said operating

system polls said media device for content and can be disabled by said computing

system [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al.

teaches a first component of a synchronous poll to provide the media content or status

notification that can be disabled by the computing system],

and said second component operating parallel to said first component in said

operating system polls said media device for content and cannot be disabled by said

computing system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where

Huffman et al. teaches a second component of a asynchronous poll or message

operating in parallel to provide the media content or status notification that cannot be

disabled by the computing system]

Regarding Claim 8, most of the limitations of this claim have been noted in the

rejection of Claim 1. Applicant is directed to the rejection of claim 1 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The method as recited in claim 1 wherein said media change is an introduction of

media to said media device of said computing system. [see (Huffman et al. Paragraph

17 Lines 1-4) where Huffman et al. teaches that the media change is an introduction or

insertion of a tape cartridge into the media or storage device]

Regarding Claim 9, Huffman et al. discloses:

A non-transitory computer readable medium for storing computer implementable

instructions, said instructions for causing a client system to perform a method for

providing a media change notification [see (Huffman et al. Paragraph 17 Lines 1-4;

Paragraph 18 Lines 1-2; Figure 2)] *on a computing system comprising: polling a media*

device for a media change wherein said polling of said media device; [see (Huffman et

al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2;

Paragraph 28 Lines 6-7) where Huffman et al. teaches the polling of a media device for

a media change on a computer system]

   detecting a media change on said media device; [see (Huffman et al. Paragraph

17 Lines 1-4) where Huffman et al. teaches the detection of a change of the media]

   generating a media change notification when said media change is detected;

[see (Huffman et al. Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2) where Huffman et

al. teaches the creation and transmission of a message indicating that a media change

has occurred]

   and outputting said media change notification when said media change on said

media device is detected wherein said media change notification. [see (Huffman et al.

Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph

28 Lines 6-7) where Huffman et al. teaches outputting or transmission of a message

indicating that a media change has occurred on a computing system]

   Huffman et al. does not appear to explicitly disclose:

   said media change notification distinct from and operating in parallel with an

autorun protocol component of said computing system;

   polling for or receiving a message from a device that *cannot be blocked* or

cannot be obstructed by the computer system

   However, Feldman et al. discloses:

said media change notification distinct from and operating in parallel with an

autorun protocol component of said computing system; [see (Feldman et al. Paragraph

433 Lines 1-35; Figure 23A) where Feldman et al. teaches a computing system with a

media change or auto-Insert notification which is separate and distinct from and

operates in parallel or in conjunction with an autorun handler protocol component]

Huffman et al. and Feldman et al. are analogous art because they are from the

"same field of endeavor" and are from the same "problem-solving area,". Namely, they

are both from the field of "information security".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Huffman et al. and the teachings of Feldman et al.

by providing a computing system with a media change or auto-Insert notification which

is separate and distinct from and operates in parallel or in conjunction with an autorun

handler protocol component.

The motivation for doing so would be to increase the usability and flexibility of

Huffman et al. by providing a computing system with a media change or auto-Insert

notification which is separate and distinct from and operates in parallel or in conjunction

with an autorun handler protocol component as taught by Feldman et al. in the teaching

described by Huffman et al. so as to provide the functionally of media change

notifications independently and at the same time as media autorun capabilities to further

improve a user's viewing experience as content is selected and played for a user]

The combination of Huffman et al. and Feldman et al. does not appear to explicitly disclose:

polling for or receiving a message from a device that *cannot be blocked* or *cannot be obstructed* by the computer system

However, Fiacconi et al. discloses:

polling for or receiving a message from a device that *cannot be blocked* or *cannot be obstructed* by the computer system [see (Fiacconi et al. Abstract Lines 1-17; Column 6 Lines 41-50) where Fiacconi et al. teaches a computer system that polls for or receives messages from a device in which the polling or receipt of messages cannot be blocked or obstructed by the computer system by the locking of the polling or message receipt operations and the prevention of the execution of other operations during the time of the locked polling or message receipt operations]

Huffman et al., Feldman et al., and Fiacconi et al. are analogous art because they are from the *"same field of endeavor" and are from the same "problem-solving area,". Namely, they are all from the field of "information security".*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Huffman et al. and Feldman et al. and the teachings of Fiacconi et al. by providing a computer system that polls for or receives messages from a device in which the polling or receipt of messages cannot be blocked

or obstructed by the computer system by the locking of the polling or message receipt

operations and the prevention of the execution of other operations during the time of the

locked polling or message receipt operations as taught by Fiacconi et al. in the teaching

described by Huffman et al. and Feldman et al.

The motivation for doing so would be to increase the usability and flexibility of

Huffman et al. and Feldman et al. by providing a computer system that polls for or

receives messages from a device in which the polling or receipt of messages cannot be

blocked or obstructed by the computer system by the locking of the polling or message

receipt operations and the prevention of the execution of other operations during the

time of the locked polling or message receipt operations as taught by Fiacconi et al. in

the teaching described by Huffman et al. and Feldman et al. so as to provide the

additional capability of initiating polling or message receipt operations between a

computer system and a device that cannot be interrupted, blocked, or obstructed by the

computer system thereby increasing the reliability and consistency of the polling or

message receipt operations.

Regarding Claim 10, most of the limitations of this claim have been noted in the

rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media

change notification is performed by a kernel level component. [see (Huffman et al.

Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph

28 Lines 6-7) where Huffman et al. teaches that the media change notification polling

and response utilizes Direct Memory Access on the host bus with interrupt notification

which requires the use of a kernel level component of the Operating System]

Regarding Claim 11, most of the limitations of this claim have been noted in the

rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media

change notification is performed by a user level component. [see (Huffman et al.

Paragraph 27 Lines 1-11) where Huffman et al. teaches that the media change

notification utilizes interaction with the user and as a result requires the use of a user

level component of the Operating System]

Regarding Claim 12, most of the limitations of this claim have been noted in the

rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition,

the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media

change notification is performed by modifying a media polling component of an

operating system. [see (Huffman et al. Paragraph 35 Lines 8-17) where Huffman et al.

teaches that the media-polling component of the Operating System needs modification

in order to support asynchronous media change notification]

Regarding Claim 13, most of the limitations of this claim have been noted in the rejection of Claim 12. Applicant is directed to the rejection of claim 12 above. In addition, the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The non-transitory computer readable medium of claim 12 wherein said modifying of said media polling component in said operating system comprises: utilizing said media polling component to poll each said media device coupled with said computing system for content regardless of any input to said media polling component by said computing system. [see (Huffman et al. Paragraph 15 Lines 10-11; Paragraph 17 Lines 1-4; Paragraph 28 Lines 6-7; Paragraph 35 Lines 8-17; Paragraph 39 Lines 1-8) where Huffman et al. teaches the modified media polling component of the operating system polls each or multiple media devices in the computing system and receives notification via an interrupt regardless of inputs to the media polling component]

Regarding Claim 14, most of the limitations of this claim have been noted in the rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition, the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media change notification is performed by a second component operating parallel to a first component in an operating system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll and a second component of a asynchronous poll or message operating in parallel to provide the media change or status notification]

Regarding Claim 15, most of the limitations of this claim have been noted in the rejection of Claim 14. Applicant is directed to the rejection of claim 14 above. In addition, the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The non-transitory computer readable medium of claim 14 wherein said first component in said operating system polls said media device for content and can be disabled by said computing system, [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a first component of a synchronous poll to provide the media content or status notification that can be disabled by the computing system]

and said second component operating parallel to said first component in said operating system polls said media device for content and cannot be disabled by said computing system. [see (Huffman et al. Paragraph 35 Lines 1-10; Figure 6) where Huffman et al. teaches a second component of a asynchronous poll or message operating in parallel to provide the media content or status notification that cannot be disabled by the computing system]

Regarding Claim 16, most of the limitations of this claim have been noted in the rejection of Claim 9. Applicant is directed to the rejection of claim 9 above. In addition, the combination of Huffman et al., Feldman et al., and Fiacconi et al. discloses:

The non-transitory computer readable medium of claim 9 wherein said media change is an introduction of media to said media device of said computing system. [see

(Huffman et al. Paragraph 17 Lines 1-4) where Huffman et al. teaches that the media

change is an introduction or insertion of a tape cartridge into the media or storage

device]

Response to Arguments

Applicant's arguments filed November 9, 2011 have been fully considered but

are not fully persuasive.

On Pages 5-10 of the Applicant's Response, applicants argue that the

combination of Huffman et al., Feldman et al., and Fiacconi et al. does not teach the

limitation of "polling a media device of a computing system for a media change wherein

said polling of said media device cannot be blocked by said computing system", as

recited in Claim 1, and similarly in Claim 9.

The examiner respectfully disagrees with Applicant's arguments because

Huffman et al. teaches the polling of a media device for a media change on a computer

system, the detection of a change of the media, the creation and transmission of a

message indicating that a media change has occurred, and the outputting or

transmission of a message indicating that a media change has occurred on a computing

system, Feldman et al. teaches a computing system with a media change or auto-Insert

notification which is separate and distinct from and operates in parallel or in conjunction

with an autorun handler protocol component, Fiacconi et al. teaches a computer system

that polls for or receives messages from a device in which the polling or receipt of

messages cannot be blocked or obstructed by the computer system by the locking of

the polling or message receipt operations and the prevention of the execution of other

operations during the time of the locked polling or message receipt operations, as

recited in Claim 1, and similarly in Claim 9. During Huffman et al., Feldman et al., and

Fiacconi et al.'s combined system and method for providing media change notification

on a computing system which cannot be turned off or disabled, a media storage device

on a computer system is polled for a media change indication in the media storage

device, this media change indication polling and corresponding media change indication

message receipt operation being locked so that it cannot be blocked or obstructed on

the computer system by the prevention of the execution of other computer system

operations during the time of the locked media change indication polling or

corresponding media change indication message receipt operation. This is clearly the

"polling a media device of a computing system for a media change wherein said polling

of said media device cannot be blocked by said computing system, recited in Claim 1,

and similarly in Claim 9. [see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17

Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) (Feldman et al. Paragraph

433 Lines 1-35; Figure 23A) (Fiacconi et al. Abstract Lines 1-17; Column 6 Lines 41-

50)]

On Pages 6-7 of the Applicant's Response, applicants argue that Fiacconi et al.

is nonanalogous art with Applicant's subject matter, Huffman et al., and Feldman et al.,

as concerns the rejection of Claims 1, 9.

In response to applicant's argument that Fiacconi et al. is nonanalogous art, it

has been held that a prior art reference must either be in the field of applicant's

endeavor or, if not, then be reasonably pertinent to the particular problem with which the

applicant was concerned, in order to be relied upon as a basis for rejection of the

claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir.

1992). In this case, Fiacconi et al. is clearly reasonably pertinent to the particular

problem with which the applicant was concerned, that is to provide a media change

notification on a computing system which cannot be turned off or disabled and would

clearly be the type of reference that a designer of Applicant's invention would rely on at

the time the claimed invention was made, in order to complete the design of Applicant's

invention with the capability of providing a computer system that polls for or receives

messages from a device in which the polling or receipt of messages cannot be blocked

or obstructed by the computer system by the locking of the polling or message receipt

operations and the prevention of the execution of other operations during the time of the

locked polling or message receipt operations so as to provide the additional capability of

initiating polling or message receipt operations between a computer system and a

device that cannot be interrupted, blocked, or obstructed by the computer system

thereby increasing the reliability and consistency of the polling or message receipt

operations.

Therefore, in view of the above reasons, Examiner maintains 35 U.S.C. 103(a)

rejections on Claims 1, 9.

On Page 10 of the Applicant's Response, applicants argue that since dependent Claims 2-8, 10-16 depend on independent Claims 1, 9, the 103(a) rejections on dependent Claims 2-8, 10-16 should be withdrawn.

The examiner respectfully disagrees with Applicant's arguments because since 103(a) rejections on independent Claims 1, 9 are maintained, 103(a) rejections on dependent Claims 2-8, 10-16 are also maintained.

Therefore, in view of the above reasons, Examiner maintains 35 U.S.C. 103(a) rejections on Claims 1-16.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to BRADLEY HOLDER whose telephone number is 571-
270-3789. The examiner can normally be reached on Monday-Friday 10:00AM-7:00PM
EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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Status information for unpublished applications is available through Private PAIR only.
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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. H./
Examiner, Art Unit 2439

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439